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DIGEST OF RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

DINSMORE *v.* DINSMORE.

Nov. 18, 1920.

[104 S. E. 785.]

1. **Divorce (§ 133 (3)*)—Wife Held to Have Established Charge of Husband's Desertion Entitling Her to Decree.**—Plaintiff wife, seeking a divorce under Code 1919, § 5103, for willful and long-continued abandonment and desertion, held to have established her charge of willful desertion, entitling her to divorce a vinculo matrimonii and the custody of the children.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 738.]

2. **Divorce (§ 56*)—Court Should Deny Relief Where Collusion Appears.**—The court should consider the testimony on an uncontested application for divorce with the most painstaking and scrupulous care, and, if collusion or consent appears, directly or indirectly, should deny the relief sought.

Appeal from Circuit Court, Rockingham County.

Suit for divorce by Mrs. Willie Dinsmore against Robert B. Dinsmore. From decree for defendant, plaintiff appeals. Decree reversed, and decree of divorce entered for plaintiff.

Chas. A. Hammer and John Paul, both of Harrisonburg, for appellant.

RICHARDSON *v.* COMMONWEALTH.

Sept. 16, 1920.

[104 S. E. 788.]

1. **Homicide (§ 31*)—"Murder," "Voluntary Manslaughter," and "Involuntary Manslaughter" Distinguished.**—Where a killing occurs in the course of a sudden quarrel, in mutual combat, or from sudden provocation, without previous grudge, and from heat of passion, it is not "murder," but manslaughter only, being "voluntary manslaughter" if there be no further justification, and

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.